



ROCKEFELLER CENTER
1270 AVENUE OF THE AMERICAS, 24TH FLOOR
NEW YORK, NY 10020
T 212.307.5500 F 212.307.5598 www.Venable.com

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Eric A. Prager

T 212.503.9813
F 212.307.5598
EAPrager@Venable.com

VIA ECF

The Honorable Andrew L. Carter Jr.
Southern District of New York

Re: *Hedgeye Risk Management, LLC v. Terman, No. 22-cv-01113-ALC-RWL*

Dear Judge Carter:

We submit this letter on behalf of Plaintiff Hedgeye Risk Management in response to Defendants Nadine Terman's and Solstein Capital, LLC's Letter Motion for Conference regarding Defendants' requested Motion to Dismiss the Amended Complaint. (Terman Dkt. 40.)

Hedgeye does not object to Defendants filing a motion to dismiss, but will not rehash now the several reasons Defendants' forthcoming motion will be meritless. *See* Terman Dkt. 20; Dale Dkt. 165.

The parties are discussing a briefing schedule for this forthcoming Motion to Dismiss and expect to promptly submit a stipulated schedule for the Court's consideration.

Respectfully submitted,

/s/ Eric A. Prager

Eric A. Prager

cc: All counsel via ECF